

REMARKS

By the present amendment, Applicants have cancelled claims 1-35 without prejudice or disclaimer and added new claimed 36-56. Claims 36-56 remain pending.

In the June 29, 2007, Office Action¹, the Examiner rejected claims 1 and 16 under 35 U.S.C § 101 as being directed to non-statutory subject matter; rejected claims 1 and 16 under 35 U.S.C § 112, second paragraph for failing to particularly point out and distinctly claim the invention; and rejected claims 1-35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,855,005 to Schuler et al. ("Schuler"). Applicants respectfully traverse each of the Examiner's rejections.

I. Rejection of Claims 1 and 16 under 35 U.S.C § 101

The Examiner rejected claims 1 and 16 under 35 U.S.C § 101 for allegedly failing to accomplish a useful, concrete, and tangible result. Claims 1 and 16 have been cancelled, and, therefore, the rejection of these claims is moot. Furthermore, new independent claims 36, 43, and 50 recite, *interalia*, "storing the related data objects and the initial data object in a database." Applicants submit that the claimed "updating" and "storing" of new independent claims 36, 43, and 50 constitutes a useful, concrete, and tangible result and, therefore, claims 36, 43 and 50 are directed to statutory subject matter.

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

II. Rejection of Claims 1 and 16 under 35 U.S.C § 112, Second Paragraph

The Examiner rejected claims 1 and 16 under 35 U.S.C § 112, second paragraph, for failing to particularly point out and distinctly claim the invention. Claims 1 and 16 have been cancelled, and, therefore, the rejection of these claims is moot. Furthermore, new claims 36, 43, and 50 recite, *inter alia*, “data objects that describe developments of business transactions,” and a “first process chain” comprising “a series of linked data objects,” and “related data objects that are dependent upon changes in the initial data object.” Accordingly, Applicants submit that new claimed 36, 43, and 50 particularly point out and distinctly claim the invention. These claim elements are described in the specification at pages 8 to 10, among other places.

III. Rejection of Claims 1-35 under 35 U.S.C § 102(e)

The Examiner rejected claims 1-35 under 35 U.S.C § 102(e) as being anticipated by *Schuler*. Claims 1-35 have been cancelled and, therefore, the rejection of these claims is moot. Furthermore, *Schuler* fails to anticipate new claims 36-56.

Under 35 U.S.C. § 102, the Federal Circuit has held that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). See also M.P.E.P. § 2131. With respect to claims 36-56, *Schuler* does not disclose each and every element of the claims.

Claims 36 recites “[a] method performed by a computer system for processing data objects that describe developments of business transactions” including, for example “identifying a first process chain of the initial data object, wherein the first process chain comprises a series of linked data objects, including the initial data object, and wherein the linked data objects each describe developments of a common business transaction at different points in time.” *Schuler* fails to teach at least the claimed “linked data objects.”

By contrast, *Schuler* is generally directed to “auditing a total exposure of an entity, the total exposure forming the basis of a premium amount to be charged to the entity for an insurance policy,” (*Schuler*, Abstract). Furthermore, “if an auditor wishes to schedule an appointment for an audit, the auditor clicks on a box ... wherein an Appointment Letter Menu ... is displayed for the auditor,” (*Schuler*, col. 6, lines 25-28). On page 5 of the Office Action, the Examiner appears to allege that *Schuler*’s Appointment Letter Menu constitutes the claimed “first process chain.” However, *Schuler*’s Appointment Letter Menu does not include “a series of linked data objects ... wherein the linked data objects each describe developments of a common business transaction at different points in time,” as recited by claim 36. Instead, “[t]he Menu 800 includes boxes 810, 820, 830, and 840 which correspond to different pre-prepared form letters to be used by an auditor in scheduling audit appointments,” (*Schuler*, col. 6, lines 28-31, emphasis added). These boxes and form letters are not “linked” nor do they “describe developments of a common business transaction at different points in time,” as recited by claim 36 (emphasis added). Accordingly, *Schuler* fails to teach at least the “linked data objects” of independent claim 36.

Independent claims 43 and 50, while differing in scope, comprise elements similar to those noted above with respect independent claim 36. Accordingly, independent claims 43 and 50 are allowable over *Schuler* for at least the reasons discussed previously.

Claims 37-42, 44-49, and 51-56 depend from independent claims 36, 43, and 50. Accordingly, claims 37-42, 44-49, and 51-56 are allowable over *Schuler* at least due to this dependence.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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